

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 5, 2010

DIVISION ONE

B213322 Graffiti Protective Coatings, Inc., et al. (Certified for Publication)
 v.
 City Of Pico Rivera

The October 31, 2008 order and judgment granting the special motion to strike (Code Civ. Proc., § 425.16, subd. (b)(1)) are reversed, and the January 27, 2009 order and judgment awarding attorney fees to the City of Pico Rivera (Code Civ. Proc., § 425.16, subd. (c)) are vacated. Appellant is entitled to costs on appeal.

Mallano, P.J.

We concur: Rothschild, J.
 Johnson, J.

DIVISION TWO

B213335 People
 v.
 Madrid

Filed order denying petition for rehearing.

DIVISION THREE

[illegible]

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FOUR

B208215 People (Not for Publication)
v.
Alexander

The judgment is reversed with directions to the trial court to conduct an in camera review of complaints regarding Officer Gutierrez relating to fabrication of charges, fabrication of evidence, fabrication of reasonable suspicion and/or probable cause, perjury, dishonesty, writing of false police reports, false or misleading internal reports, and any other evidence of misconduct amounting to moral turpitude. If the hearing reveals no discoverable information in the officers' personnel files which would lead to admissible evidence helpful to appellant's defense, the trial court shall reinstate the original judgment and sentence, which shall stand affirmed. If the in camera hearing reveals discoverable information bearing on the officers' honesty which could lead to admissible evidence helpful to appellant in defense of the charge, the trial court shall grant the requested discovery, allow appellant an opportunity to demonstrate prejudice, and order a new trial if prejudice is demonstrated.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FIVE

B213673 People (Not for Publication)
v.
Lamar Elzy

The judgment is modified to state the following: Defendant's sentence shall include: a 25-years-to life sentence pursuant to Penal Code sections 667, subdivision (e)(2)(A)(ii) and 1170.12, subdivision (c)(2)(A)(ii); a consecutive 25-years-to life Penal Code section 12022.53, subdivision (d) sentence; a 5-year penal Code section 667, subdivision (a) (1) enhancement; and 10-year Penal Code section 12022.53, subdivisions (b) and (c) enhancements which are imposed and stayed. The imposition of the assessments, state surcharge and penalty are reversed as set forth above. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
Kriegler, J.

B216678 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Jose P.
In re L.P.

The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

February 5, 2010 (Continued)

DIVISION FIVE (continued)

B210852 People (Not for Publication)
v.
Jonathan Juarez et al

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

B216428 Craig Borison (Not for Publication)
v.
Gibbs, Giden, Locher, Turner & Senet, et al.

The order denying the petition to compel arbitration is affirmed. Plaintiff, Craig Borison, is awarded costs incurred on appeal from defendants, Gibbs, Giden, Locher, Turner & Senet and William D. Locher.

Turner, P.J.

We concur: Mosk, J.
Kriegler, J.

B220621 Jessica C. (Not for Publication)
v.
Superior Court Los Angeles
D.C.F.S.

Petition for extraordinary writ is denied.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION FIVE (continued)

B210367 Kenny/Shea/Traylor/Frontier-Kemper
 v.
 City of Los Angeles

Filed order denying petition for rehearing. Armstrong, J. would grant rehearing.

B210627 Janice Sharp, et al.
 v.
 Paul Anderson, et al.

Filed order denying petition for rehearing.

DIVISION SEVEN

Due to rain and time needed for counsel to arrive, court convened at 9:15 a.m.

Present: Perluss, P.J., Woods, J., Zelon, J., Jackson, J. and Deborah Lee, Deputy Clerk.

B211286 Street v. Street

Argument waived, cause submitted.

B212850 Allen v. Riefman et al.

Matter advanced from 10:00 a.m. calendar, and argument was waived by Fern Nisen, counsel for Respondents, in light of the non-appearance by Appellant. Cause submitted.

B211969 Hector Mendoza
 v.
 Child Support Services Los Angeles County

Merits:
Argued by Daniel McMeekin for appellant and by Tammy Nakada for respondent. Cause submitted.

DIVISION SEVEN (continued)

B210969 K.C. Investment Co.
 v.
 Emily Kovnatsky

Merits:

Argued by Alec Baghdassarian for appellant and by Behzad Nahai for respondent. Cause submitted.

Presiding Justice Perluss called the 10:00 a.m. calendar.

B212430 Das Corporation
 v.
 Optional Capital, Inc.

Merits:

Argued by Ralph Rogari for appellant and by Gregory Lee for respondent. Cause submitted.

B212369 Seth Hoffberg
 v.
 Flintridge Builders, et al.

Appearances:

No appearance for appellant or respondents. Parties waived oral argument telephonically. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Woods, J., Zelon, J., Jackson, J. and Deborah Lee, Deputy Clerk.

DIVISION SEVEN (continued)

B214198 Coldwell Banker, et al.
 v.
 Diane Skolnique, et al.

Merits:
Argued by Howard Ettinger for appellants and by Neil Gunny for
respondents. Cause submitted.

B212266 Tom Milwicz, et al.
 v.
 Public Storage

Merits:
Argued by Mayo Makarczyk for appellants and by Dawn Eyerly for
respondent. Cause submitted.

B216805 Columbus Short
 v.
 Brandi Short

Merits:
Argued by Thomas Dunlap for appellant and by Charles Coate for
respondent. Cause submitted.

B214255 Southland Land Corp.
 v.
 Jeffer Mangels Butler, et al.

Merits:
Argued by John Graham for appellants and by Cynthia Woollacott for
respondent. Cause submitted.

Court adjourned.

DIVISION SEVEN (continued)

B213467 People
 v.
 John Sok

Filed order denying petition for rehearing.